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Attorneys for Sgt. Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Steven Curtis Leech,

Plaintiff,

v.

Sgt. Garcia, John Doe C.O., John Doe C.O.,
John Doe C.O., John Doe C.O.,

Defendants.

Case No. 2:23-cv-00794-AN

DEFENDANT SGT. GARCIA'S ANSWER
TO COMPLAINT

Defendant Sgt. Garcia answers Plaintiff's Complaint as follows:

1.

Unless specifically admitted, Defendant generally denies each and every claim in Plaintiff's complaint. To the extent this answer failed to specifically respond to an allegation, that allegation is denied.

2.

Defendant admits that Plaintiff resides at Snake River Correctional Facility in Ontario, Oregon.

Page 1 - DEFENDANT SGT. GARCIA'S ANSWER TO COMPLAINT
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3.

Defendant admits that he responded to an incident in which Plaintiff was engaged in self-harm, but otherwise denies Plaintiff's allegations on Pg. 3 of his Complaint.

4.

Defendant denies Plaintiff was subjected to excessive force in violation of the eight amendment and denies Plaintiff is entitled to the relief sought. To the extent not explicitly stated, Defendant denies any remaining allegations.

5.

Defendant demands a jury trial.

FIRST AFFIRMATIVE DEFENSE

(Qualified Immunity)

6.

Answering Defendants allege that at all times relevant to Plaintiff's Amended Complaint they were acting in good faith and within their discretion pursuant to the laws and statutes of the State of Oregon and the United States, and that their conduct violated no clearly established statutory or constitutional right of which a reasonable official would have knowledge.

SECOND AFFIRMATIVE DEFENSE

(Prison Litigation Reform Act)

7.

Defendants incorporate herein the admissions, denials, and allegations set forth above. Defendants assert all provisions of the Prison Litigation Reform Act ("PLRA") to any of Plaintiff's claims brought under 42 U.S.C. § 1983, including but not limited to, failure to exhaust administrative remedies.

THIRD AFFIRMATIVE DEFENSE

(Failure to State a Claim)

8.

Defendants allege that Plaintiff has not been deprived of any right, privilege, or immunity secured by the Constitution, the laws of the United States or the State of Oregon and therefore fails to state a claim under 42 U.S.C. §1983.

RESERVATION OF ADDITIONAL DEFENSES

9.

Defendants reserve the right to assert additional defenses as may become known to them through investigation and discovery.

DATED October 24, 2023.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/Aaron D. Kelley
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Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on October 24, 2023, I served the foregoing DEFENDANT SGT. GARCIA'S ANSWER TO PLAINTIFF'S COMPLAINT upon the parties hereto by the method indicated below, and addressed to the following:

Steven C Leech
SID #13345628
Snake River Correctional Institution
777 Stanton Blvd
Ontario, OR 97914
Pro Se Plaintiff

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 TELECOPY (FAX)
 E-MAIL
 E-SERVED PURSUANT TO
RCI STANDING ORDER NO. 2019-9

s/ Aaron D. Kelley
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